IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.6681 of 2006

Ms Pratima C Mundeshwar Petitioner.
vs
Directorate of Medical Education
Research & ors. ..Respondents

Mr Venkatesh A Shastry for the petitioner.

Mr. P.I. Khemani AGP for respondents

CORAM: H.S.BEDI,C.J., &
V.M.KANADE, J.

DATE: October 19, 2006.

P.C.:-

The petitioner belongs to a Nomadic Tribe for whom one seat has been reserved in the Sassoon General Hospital, Pune for the general nursing and midwifery course. Concededly one seat has also been reserved for a candidate belonging to the Vimukta Jati. It appears that overtaken by confusion the petitioner while filling her form sought admission as being a member of the Vimukta Jati. The petitioner was granted admission on merits in that category. The admission was, however, subsequently canceled by order dated 12th September 2006, Exhibit A4 as it transpired that she belonged

to a Nomadic Tribe and was not a member of the Vimukta Jatis. The present petition has been filed challenging the aforesaid order.

2. During the course of hearing the learned counsel for the petitioner pointed out that one seat each belonging to the Vimuta Jati and the Nomadic Tribe were still lying vacant as of now and that the petitioner was in any case the highest in merit amongst the candidates from the Nomadic Tribe. We thus observe that but for the mistake committed by the petitioner while filling her form she would have got admission as being a candidate from a Nomadic Tribe on the basis of her merit. We also find that the seat left by the petitioner cannot now be filled in by any other candidate, a situation which is clearly unwarranted.

3. We accordingly quash and set aside the letter dated 12th September 2006 Exhibit A4 to the petition and direct the respondents to restore the admission to the petitioner for the course in question within a period of one week from today.

CHIEF JUSTICE

V.M.KANADE J.